

1 Jane and John Doe, explaining their mutual position that Dkt. No. 1 *should* remain
2 under seal. No other party has made an appearance.

3 **I. LEGAL STANDARD.**

4 Although a court's "starting point" in considering a request to seal a judicial
5 record is a "strong presumption in favor of access," *Kamakana v. City & Co. of*
6 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), that presumption may be overcome by
7 "compelling reasons supported by specific factual findings that outweigh the general
8 history of access" *Id.* at 1178-79 (citation omitted). This court has found that the
9 "compelling reasons" standard applies to the sealing of a complaint. *Gamino v. IUPC*
10 *Healthcare Holdings, Inc.*, ___ F. Supp. 3d ___; 2021 U.S. Dist. LEXIS 227440, at *6
11 (C.D. Cal., Aug. 18, 2021).

12 **II. COMPELLING REASONS EXIST TO SEAL THE COMPLAINT IN**
13 **THIS MATTER.**

14 The Plaintiffs filed using pseudonyms to protect the identities of persons who
15 were minor children at the time of alleged sexual assaults. Dkt. No. 1, ¶¶ 4, 5 (fictitious
16 names used to protect Plaintiffs' "privacy as a victim of childhood sexual harassment,
17 molestation, abuse, and assault"). However, the photographs included in the Complaint
18 potentially provide a basis for identifying at least one of the Plaintiffs, John Doe, who
19 is still a minor. The full public availability of the Complaint could permit public
20 identification of Plaintiff John Doe and, by association, Plaintiff Jane Doe.

21 In *Prasad v. Simmons*, ___ F Supp 3d ___; 2019 U.S. Dist. LEXIS 21979, at *5
22 (N.D. Cal. Feb. 8, 2019), a district court found that a filed document containing the
23 personally identifying information of minor children, along with allegations of sexual
24 abuse of minors, constituted "compelling reasons" to seal the document.

25 Similar considerations in this case should overcome the access presumption as
26 to Dkt. No. 1. Public availability of the Complaint could subject the Plaintiffs, if
27 identified, to humiliating scrutiny that they have sought to avoid using pseudonyms.
28 Conversely, the public's interest in access is limited under the circumstances here. The

1 presumption in favor of access is rooted in the interest of citizens in “keep[ing] a
2 watchful eye on the workings of public agencies[.]” *Nixon v Warner Communications*,
3 435 U.S. 589, 598; 98 S. Ct. 1306; 55 L. Ed. 2d 570, 579 (1978). The public agency at
4 issue here – this court – has had little involvement in this case given its recency.
5 Therefore, the compelling interest in protecting vulnerable children from identification
6 and potential opprobrium outweighs the public access interest.

7 Accordingly, the parties jointly request that this Court enter an order
8 permanently sealing Dkt. No. 1.

10 Respectfully submitted,

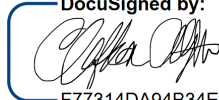
11 Dated: September 16, 2022

ALBRIGHT, YEE & SCHMIT, APC

Clifton W. Albright, Esq.

Monica Blut, Esq.

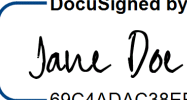
Bryan E. Luther, Esq.

15 DocuSigned by:
16 
17 By: F77314DA94B34EF...
Clifton W. Albright, Esq.

18 Attorneys for Defendant
19 **TIFFANY HADDISH**

21 Dated: September 16, 2022

Jane Doe, an Individual for herself

23 DocuSigned by:
24 
25 69C4ADAC38EF453...
Jane Doe

28 *[Signatures continued on next page]*

1 Dated: September 16, 2022

**Jane Doe, as Guardian on Behalf of
John Doe, a minor**

DocuSigned by:

By:

Jane Doe

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Jane Doe as Guardian on behalf of
John Doe, a minor

CERTIFICATE OF ELECTRONIC SERVICE
For Documents Filed Using CM/ECF
When Not All Case Participants Are CM/ECF Participants

Jane Doe and John Doe v. Tiffany Haddish and Aries Spears
USDC Central District of California Case No. 2:22-cv-06369-SB (JPRx)

I am employed in the County of Los Angeles, State of California, United States of America. I am over the age of eighteen and not a party to the within action. My business address is: 707 Wilshire Boulevard, Suite 3600, Los Angeles, California 90017-3516.

I hereby certify that on September 16, 2022 I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Central District of California, by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have served the foregoing document by Electronic Service via email pursuant to F.R.C.P. Rule 5(b)(2)(E):

**JOINT RESPONSE AND STATEMENT OF POSITION REGARDING
SEALING COMPLAINT**

X **(BY EMAIL OR ELECTRONIC TRANSMISSION):** Pursuant to F.R.C.P. Rule 5(b)(2)(E), I caused the above-named document to be sent by electronic transmission from email address connie.white@ayslaw.com, and electronically transmitted to the person(s) at the email address(es) listed in the Service List (attached). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. [F.R.C.P. Rule 5(b)(2)(E).]

X I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on September 16, 2022 at Los Angeles, California.

/s/ Connie White

Connie White

1 **SERVICE LIST**

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3 On Behalf of John Doe, a minor
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Plaintiff(s) Pro Se
JANE DOE, Individually and as
Guardian on behalf of
JOHN DOE, a minor individual

8 **COURTESY COPY**

9 Debra Opri, Esq.
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